

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KIDZ CAPITOL and JAMES PRATT)	
)	
COMPLAINANTS)	
)	
v.)	CASE NO. 2003-00369
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

O R D E R

Defendant having answered the complaint and the Commission finding that issues of fact are in dispute and that a procedural schedule should be established to ensure the prompt resolution of this matter, IT IS HEREBY ORDERED that:

1. A formal hearing shall be held on July 21, 2004 at 1:30 p.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, and shall continue until completed. The official record of this proceeding shall be by video only, unless otherwise requested by a party to this proceeding.
2. On or before June 2, 2004, each party may serve upon any other party an initial request for production of documents and written interrogatories to be answered by the party served within 10 days of service.
3. On or before June 16, 2004, each party shall file with the Commission in verified form the direct testimony of each witness that it expects to call at the formal hearing or any other evidence which the parties plan to introduce at hearing.

4. On or before June 30, 2004, each party shall file with the Commission in verified form the testimony of each rebuttal witness that it expects to call at the formal hearing.

5. Direct examination of witnesses shall be limited to the authentication and adoption of that written testimony. No summarization of written testimony by the witness shall be permitted.

6. Witnesses who have filed written direct and rebuttal testimony shall present that testimony at the same sitting. Opposing parties may cross-examine such witnesses on both direct and rebuttal testimonies.

7. No opening statements shall be made at the hearing.

8. Within 15 days of the filing of the hearing transcript with the Commission, any party may submit a written brief. Briefs shall not exceed 25 pages in length.

9. Copies of all documents served upon any party shall be served on all other parties and filed with the Commission.

10. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

11. To be timely filed, a document must be received by the Commission within the specified time for filing except that any document shall be deemed timely filed if it has been transmitted by United States express mail, or by other recognized mail carriers, with the date the transmitting agency received said document from the sender noted by the transmitting agency on the outside of the container used for transmitting, within the time allowed for filing.

12. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

13. As the Complainant bears the burden of proof in this matter, his failure to appear at the formal hearing and to present proof in support of his complaint may result in the dismissal of his complaint with prejudice.

14. The failure of Defendant to appear at the formal hearing may result in the entry of an Order granting the Complainant's requested relief.

Done at Frankfort, Kentucky, this 19th day of May, 2004.

By the Commission

ATTEST:


Executive Director